

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MICHAEL SLOCUM

Plaintiff,

v.

SGT. S. BEAR, *et al.*,

Defendants.

Case No. 1:18-cv-423

JUDGE DOUGLAS R. COLE

Magistrate Judge Litkovitz

**ORDER**

This cause comes before the Court on the Magistrate Judge's March 26, 2021, Report and Recommendation ("R&R") (Doc. 101). The Magistrate Judge recommends that the Court **DENY** Plaintiff's Motion For Summary Judgment (Doc. 99) and **DENY IN PART AND GRANT IN PART** Defendants' Motion For Summary Judgment (Doc. 87). Specifically, the R&R recommends granting Defendants summary judgment as to Plaintiff's First Amendment retaliation and inappropriate supervision claims, and denying Defendants summary judgment as to Plaintiff's Eighth Amendment excessive force claim.

The R&R advised both parties that a failure to object within the 14 days specified by the R&R may result in forfeiture of rights on appeal, which includes the right to District Court review. (*See* Doc. 101, #601). *See also Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate's report to which no objections are filed."); *Berkshire v. Beauvais*, 928 F.3d 520, 530 (6th Cir. 2019) (noting

“fail[ure] to file an objection to the magistrate judge’s R & R ... is forfeiture”); 28 U.S.C. § 636(b)(1)(C). Accordingly, the parties here needed to object by April 9, 2021. The time for filing objections has long since passed, and no party has objected.

Accordingly, the Court **ADOPTS** the Report and Recommendation (Doc. 101). The Court thus **GRANTS** Defendants’ Motion For Summary Judgment (Doc. 87), but only as to Plaintiff’s First Amendment retaliation and inappropriate supervision claims. The Court **DENIES** Defendants’ Motion For Summary Judgment as to Plaintiff’s Eighth Amendment Claim. Separately, the Court **DENIES** Plaintiff’s Motion For Summary Judgment (Doc. 99) in its entirety.

**SO ORDERED.**

August 19, 2021

**DATE**

  

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**DOUGLAS R. COLE**  
**UNITED STATES DISTRICT JUDGE**